

THE MARKS LAW FIRM, P.C.

December 7, 2022



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Application **GRANTED**. The initial conference is **ADJOURNED** to **January 18, 2023**, at **4:10 P.M.** The conference will be telephonic and will take place on the following line: 888-363-4749; access code: 558-3333. No further extensions or adjournments will be granted absent extraordinary circumstances. If Defendant fails to appear by **January 11, 2023**, Plaintiff shall file a letter requesting further adjournment of the initial conference for up to thirty (30) days and proposing a date prior to the conference to present an Order to Show Cause for Default Judgment as to Defendant and related papers, as provided in the Court's Individual Rules.

RE: **Lawrence Young v. Jason Jacques, Inc.**
Index: 1:22-cv-07544-LGS

Dear Judge Schofield,

Plaintiff shall serve a copy of this Order on Defendant, and file proof of service on the docket no later than **December 12, 2022**.

Dated: December 8, 2022
New York, New York

Plaintiff respectfully provides this status to the Court as required by Your Honor's October 31, 2022 Order. [Dkt. 11].

Plaintiff initiated this action with the filing of a Civil Cover Sheet, Summons and Complaint on September 2, 2022. [Dkt. 1,2 and 4]. On September 21, 2022, Defendant was served via Secretary of State, with their answer due by October 12, 2022. [Dkt. 7]. On October 31, 2022, Your Honor ordered Plaintiff, in the event that Plaintiff was unable to contact Defendant in advance of the conference, to file a letter by December 10, 2022, describing his efforts to provide actual notice to Defendant and to attach any supporting documentation regarding his efforts. [Dkt. 11]

Since the inception of this action, our office has e-mailed and mailed Defendant directly in order to communicate and inform them of the pending action and to have them appear. Our process server has informed us that the secretary of state is backed up and operating on a delay, which is why we mail copies of all papers to the Defendants directly as well contemporaneously with filing. Our office made the following attempts to inform Defendant of this action:

- On September 16, 2022 and October 21, 2022, our office mailed to the Defendant at its known address and emailed Defendant at info@jasonjacques.com, marcin@jasonjacques.com, maty@jasonjacques.com and jason@jasonjacques.com copies of Your Honor's Order, Individual Part Rules, and Pleadings to the Defendant directly. Furthermore, our office informed Defendant of the upcoming Initial Conference and deadlines. See copies of the emails as Exhibit A; see also DKT 6.
- On October 31, 2022, our office was contacted by Jason Jacques (owner of Jason Jacques, Inc.) who informed us that he was aware of the pending lawsuit and requested additional time to investigate, retain counsel, and appear in this matter. Plaintiff consented to this extension. See Exhibit B showing a voicemail received for

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the first time; see also DKT. 10.

- Thereafter, we called Mr. Jacques to request an update, and then again on December 5, 2022, to follow up on our previous conversation and to further discuss this matter. Mr. Jacques informed us that he needed more time to review and investigate this matter, retain counsel, and answer/appear in this action. Plaintiff, again, consented to this extension, but subject to court approval.

In light of our communications with Jason Jacques, Plaintiff respectfully requests an additional thirty (30) day extension of the Initial Conference (along with all corresponding deadlines) from December 15, 2022 to January 13, 2023, so that Defendant can have extra time to conduct their investigation of this matter, retain counsel and appear in this action. Plaintiff would prefer not to default the Defendant, but if Defendant fails to answer or appear by January 13, 2023, we will move for default judgment pursuant to Your Honor's Individual Rules and SDNY Local Rules. This is the third request of its kind for an extension, but the second on behalf of Defendant. The prior two requests were granted.

We thank the Court for its time and consideration on this matter.

Respectfully Submitted,

The Marks Law Firm, P.C.

By: 

Bradly G. Marks